Division Bench (4)

cf 1002

In the Honble High Court of Chhattishgarh at Bilaspur (C.G.)

Writ Appeal No. 34 2007

Appellant ... ... SHAILESH KUMAR PANDEY aged 36 yrs.
Son of Late Shri Vishnu Prasad Pandey,
Ex-Lower Division Clerk (compassionate
Appointment) Forest Deptt. Narayanpur,
Forest Circle, Kanker
Resident of village Mahidalkala,
P.O. Gajan via Rampur Baghelan
District Satna (M.P.)

8/9/07
P.R. Dt. 29/11/07
Presented by Shri S. Verma
dated

V E R S U S

Respondents ... 1. The State Government of Chhattishgarh,
Through the Secretary,
Department of Forest,
Vallabh Bhavan, Bhopal (M.P.)

2. State of Chhattishgarh,
through the Secretary,
Department of Forest,
D.K.S. Bhavan, Raipur (C.G.)

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3. Principle Chief Secretary of Forest,
Raipur (C.G.)

4. Conservator of Forest, Kanker circle,
Kanker (C.G.)

5. Divisional Forest Officer,
Forest Division, Narayanpur (C.G.)

WRIT APPEAL UNDER RULE 157 (10) OF THE CHHATTISHGARH HIGH COURT RULES, 2005

(26)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT APPEAL NO. 34 OF 2007

APPELLANT Shailesh Kumar Pandey

Versus

RESPONDENTS The State Government of Chhattisgarh & Others

Present : Shri Ajay Shrivastava, counsel for the appellant.

Shri N.K. Agrawal, Dy. Advocate General for the State/ respondents.

ORAL ORDER
(Passed on 26th February, 2007)

The following oral order of the Court was passed by H.L Dattu, CJ.

This appeal is directed against the order passed by the learned Single Judge in W.P.No.1067/2004 on 15-1-2007. By the impugned order, learned Single Judge has rejected the writ petition, on the ground of delay and laches on the part of the petitioner in approaching the Court nearly after ten years from the date of order i.e. 14-9-1994, whereby the appellant was removed from service.

2) Respondents had terminated the services of the petitioner by passing an order dated 14-9-1994. The petitioner had not questioned that order before any other superior forum. For the first time he has called the correctness or otherwise of the said order before this Court in writ petition No.1067/2004. The learned Single Judge has declined to entertain the writ petition on the ground, that the discretionary relief

of this Court cannot be granted to a person, who had slept over his rights.

3) The writ remedy is an extraordinary and discretionary remedy. A person who wants to exercise his right by invoking Article 226 of the Constitution, he should necessarily approach this Court within a reasonable time. If there is any delay and laches on the part of the appellant in approaching this Court without any reasonable cause, this Court can decline to entertain the writ petition.

4) In the instant case, an order was passed by the respondents on 14-9-1994 against the appellant. If for any reason appellant was aggrieved by the said order, he should have approached this Court or any other forum within a reasonable time. The appellant for the first time, that is, nearly after ten years from the date of passing of the order by the respondents has approached this Court, inter alia, calling in question the order passed by the respondents on 14-9-1994. A person, who had slept over his right, is not entitled to the discretionary relief of this Court. Keeping this principle in view, the learned Single Judge has rejected the writ petition.

5) We are in full agreement with conclusion reached by the learned Single Judge on 15-1-2007 in W.P.No.1067/2004. Therefore, the writ appeal requires to be rejected and accordingly it is rejected.

6) Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice